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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,578	10/08/1999	ALIRIO I. GOMEZ	02012-40101	5019

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EXAMINER
GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		**Applicant(s)**
Office Action Summary	09/415,578		GOMEZ ET AL.
	Examiner		**Art Unit**
	Grigory Gurshman		2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>07 January 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1.   The formal drawings submitted on 1/7/04 are accepted by examiner.

Response to Arguments

2.   No amendments of claims 1-23 have been submitted by Applicant.

3.   Referring to claims 1- 3, 14 - 20 and 23, Applicant argues that Bessette or Angels

do not disclose or suggest a computer or system in telecommunication link with a

computer of a content provider requiring payment for information access. Examiner

respectfully disagrees and points out that this very system is disclosed by Angeles (see

Fig. 2). Angles teaches that content provider and consumers both have the accounts.

Consumer has a member code which is granted upon credits to the accounts (see

abstract and Fig.4). Examiner also states that charging for access to the content is a

very common practice well known in the art. Therefore the burden of making *prima*

facie case of obviousness, with regard to the instant claims, is met by the fallowing

reasons:

4.   Bessette discloses a method and apparatus for the management of data files (see

abstract and Fig. 10). Bessette teaches that client work-station downloads a record

along with the set of pointers, which link the client to the remotely stored files (see

abstract). The limitation "receiving, by the library system computer, user identification

and password from the user computer" is met by works-station (client in Fig.10) logging

onto a server (300 in Fig.10) using the user identification and password (see column 10,

lines 60-65). The limitation "comparing, by the library system computer, the received

user identification and password with authorized user identifications and corresponding

passwords stored in the library system to determine whether to grant access to the

interactive library system" is met by a validation table component stored in the memory

of the server. Validation table maps all the registered user IDs to the corresponding

passwords. The table is used to validate clients logging on to the server, for security

purposes (see column 10, lines 6-9 and lines 60-67). The limitation "if comparison

results in grant of access, then receiving, by the library system computer, input from the

user computer specifying type of information desired by the user " is met by a request

from the client workstation (304 in Fig. 5) sent to the library system computer (Server

300 in Fig. 5). The limitation "receiving, by the library system computer, result of the

search request from the content provider computer; and providing, by the library system

computer, the result to the user computer" is met by the server (300 in Fig. 10) receiving

the query result from the NDSMR database (content provider) and returning the

NDSMRs (25 in Fig. 10 and 908 in Fig. 9) to workstation (client in Fig. 10). Referring to

the limitation "establishing, by the library system computer, telecommunication link with

content provider computer", Bessette shows that the server (library system computer)

establishes the link to the NTSMR database. Bessette, however, does not teach

establishing a telecommunication link with the content provider computer. Angles

discloses a system for delivering the customized advertisements within interactive

communication system (see abstract and Fig 10 and 11). Angles shows that

advertisement provider computer (18 in Fig.10) establishes the telecommunication link

with content provider computer (14 in Fig. 10). Advertisement provider computer (i.e.

library system computer) receives the content based on the consumer number code (i.e. ˉ

identification information) and then provides the result content to the consumer

computer (i.e. user computer) - see Fig 10 and 11. Angles also teaches that content

provider and consumers both have the accounts. Consumer has a member code which

is granted upon credits to the accounts (see abstract and Fig.4).

Therefore, at the time the invention was made, it would have been obvious to one of

ordinary skill in the art to receive by the server of Besset an input from the user and

establish the telecommunication link with the content provider computer as taught in

Angles. One of ordinary skill in the art would have been motivated to receive by the

server of Besset an input from the user and establish the telecommunication link with

the content provider computer as taught in Angles for adding the advertisement

information to the content and providing it to the user (see Angles abstract and Fig.10).

Angles also teaches that content provider and consumers both have the accounts .

Consumer has a member code which is granted upon credits to the accounts (see

abstract and Fig.4).

5.   Referring to claim 3, Applicant argues that limitation " ... providing a user

interface... to the user computer ..." is not taught by the prior art of record. Examiner

points out that this limitation is met by Besset (see Fig.5). Besset shows the use of

database logic interface located on the client (see fig.5 left block).

6.   Referring to claims 4-13 and 21-22, Applicant argues the motivation to combine

teachings of Usui with those of Bessette and Angles. Examiner points out that while

Bessete and Angels do not teach determining the time amount of access, recording it

and generating an account statement, it is explicitly taught by Usui. Usui discloses a

timer-based fee-charging system for internet (see abstract and Fig.1). Usui teaches

calculating access charges according to the amount of access time used by each client

(i.e. user) – see column 3, lines 1-6. Examiner maintains that one of ordinary skill in the

art would have been motivated to have the library system computer receiving the search

results from the content provider and calculate access charges (i.e. account statement)

according to the amount of time used by each user as taught in Usui for charging the

user for the access time (see Usui, abstract). Applicant's arguments with regard to a

computer of a content provider requiring payment for information access have been

addressed above.

7.   In view of the arguments above and rejections presented in the First office action,

rejection of claims 1-23 is maintained.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1- 3, 14 - 20, 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bessette (U.S. Patent No. 6.263.330 B1) in view of Angles (U.S.

Patent No. 5.933.811)

10.   Referring to the instant claims, Bessette discloses a method and apparatus for

the management of data files (see abstract and Fig. 10). Bessette teaches that client

work-station downloads a record along with the set of pointers, which link the client to

the remotely stored files (see abstract).

11.   Referring to the independent claim 1, the limitation "receiving, by the library

system computer, user identification and password from the user computer" is met by

works-station (client in Fig.10) logging onto a server (300 in Fig.10) using the user

identification and password (see column 10, lines 60-65). The limitation "comparing, by

the library system computer, the received user identification and password with

authorized user identifications and corresponding passwords stored in the library

system to determine whether to grant access to the interactive library system" is met by

a validation table component stored in the memory of the server. Validation table maps

all the registered user IDs to the corresponding passwords. The table is used to validate

clients logging on to the server, for security purposes (see column 10, lines 6-9 and

lines 60-67). The limitation "if comparison results in grant of access, then receiving, by

the library system computer, input from the user computer specifying type of information

desired by the user " is met by a request from the client workstation (304 in Fig. 5) sent

to the library system computer (Server 300 in Fig. 5). The limitation "receiving, by the

library system computer, result of the search request from the content provider

computer; and providing, by the library system computer, the result to the user

computer" is met by the server (300 in Fig. 10) receiving the query result from the

NDSMR database (content provider) and returning the NDSMRs (25 in Fig. 10 and 908

in Fig. 9) to workstation (client in Fig. 10). Referring to the limitation "establishing, by

the library system computer, telecommunication link with content provider computer",

Bessette shows that the server (library system computer) establishes the link to the

NTSMR database. Bessette, however, does not teach establishing a telecommunication

link with the content provider computer. Angles discloses a system for delivering the

customized advertisements within interactive communication system (see abstract and

Fig 10 and 11). Angles shows that advertisement provider computer (18 in Fig.10)

establishes the telecommunication link with content provider computer (14 in Fig. 10).

Advertisement provider computer (i.e. library system computer) receives the content

based on the consumer number code (i.e. identification information) and then provides

the result content to the consumer computer (i.e. user computer) - see Fig 10 and 11.

Therefore, at the time the invention was made, it would have been obvious to one of

ordinary skill in the art to receive by the server of Besset an input from the user and

establish the telecommunication link with the content provider computer as taught in

Angles. One of ordinary skill in the art would have been motivated to receive by the

server of Besset an input from the user and establish the telecommunication link with

the content provider computer as taught in Angles for adding the advertisement

information to the content and providing it to the user (see Angles abstract and Fig.10).

12.   Referring to the independent claim 16, the limitation "a storage unit electrically

coupled to the library computer to store user identifications and passwords" is met by

the validation table which maps all the registered user IDs to the corresponding

passwords (see Besset, column 10, lines 6-9 and lines 60-67). The limitation " the

program comparing user identification and password received from the user computer

with the user identifications and corresponding passwords stored in the second storage

unit" is met by the validation functional block (see Besset, column 10, lines 57-64).

13.   Referring to claim 2, 19, Besset teaches that a doctor (i.e. user of the work-

station) can use the pointers in order to choose the type and the way the of displaying of

the information (see column 7, lines 52-56), which meets the limitation "customizing

user interface ... based on type of information desired by the user".

14.   Referring to claims 14 and 15, it is well known in the art to notify the user upon

receiving the results of a search request by means of electronic communications. For

example various data base applications use the e-mail alerts to the user.

15.   Referring to claim 20, Angels teaches the use of a consumer number code (see

22 in Fig. 10), which meets the limitation "user account data".

16.   Claims 4 -13, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bessette (U.S. Patent No. 6.263.330 B1) in view of Angels (U.S.

Patent No. 5.933.811) and further in view of Usui (U.S. Patent No. 5.956.697).

17.   Referring to the instant claims Bessette and Angels the library system computer

receiving the search results from the content provider. Bessete and Angels, however do

not teach determining the time amount of access, recording it and generating an

account statement. Usui discloses a timer-based fee-charging system for internet (see

abstract and Fig.1). Usui teaches calculating access charges according to the amount

of access time used by each client (i.e. user) – see column 3, lines 1-6. Therefore, at

the time the invention was made, it would have been obvious to one of ordinary skill in the art to have the library system computer receiving the search results from the content provider of Bessette and Angels and calculate access charges (i.e. account statement) according to the amount of time used by each user as taught in Usui. One of ordinary skill in the art would have been motivated to have the library system computer receiving the search results from the content provider and calculate access charges (i.e. account statement) according to the amount of time used by each user as taught in Usui for charging the user for the access time (see Usui, abstract).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
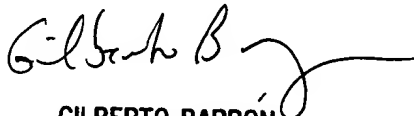
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703)306-2900. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 receptionist whose telephone number is (703) 305-3900.

Grigory Gurshman
Examiner
Art Unit 2132

GG
February 6, 2004

GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100